

Claims 23 and 24 are rejected under 35 USC §112 first paragraph. The Examiner contends that the specification as originally filed does not clearly support the element "...software is a data containing aeronautical data," as claimed in claims 23 and 24. The Examiner contends that only topographical data is disclosed.

Applicant respectfully disagrees. Support for the invention as claimed is found in the specification at least at page 1 line 24, page 5 line 27. At page 6 line 30 applications commonly known to be used in aircraft are listed. Nonetheless, Applicant has amended the claims to more clearly specify that the aeronautical data is aeronautical navigation data.

Claims 9-11, 13, 15, 19, 21 and 22 are rejected under 35 USC §102(e) as anticipated by Wasilewski 5,341,425.

In the invention as claimed, a system and method is claimed for allowing secure transmission of software code transmitted over a communication link. In the invention as claimed, each of the receiving units has a unique software code. As claimed in claims 13-20 and 24, a system includes a means for encrypting software as a function of the unique key associated with each receiving unit. The unique key is then used for uploading the encrypted software into the receiving electronic unit. In the invention as claimed in claims 21-23, and 3-12, a method of secure transmission of software encrypts the software as a function of a single software key. The software is then decrypted at the receiving unit according to said single software key and a unique software key of the receiving unit.

In the invention of Wasilewski '425, a plurality of transmission sites are each provided with a unique software key as well as a system key that is the same for all transmission sites. Sets of data uniquely encrypted at each transmission site, are then transmitted to the reception site. Stored in memory at the reception site is the system key and one of the unique transmission keys. The reception site is thereby able to decode the transmission broadcast from the transmission site for which it has the key.

In the invention of Wasilewski '401, a central location transmits a multiplexed stream of data. The receiving node uses a multiplex map to determine which of the multiplexed data packets it should access and read for use.

Applicant notes that Applicant has previously overcome the 35 USC §102(b) rejection over the Wasilewski '425 reference in Applicant's response dated May 18, 1999. Applicant additionally notes that because neither of the Wasilewski references discloses or suggests associating a unique software key with the receiving units, Wasilewski fails to disclose or suggest the present invention. In the Wasilewski '425 reference, the unique software code is associated with each of the transmission sites *not* the receiving node. This organization is

therefore inverted from and fails to solve the problems solved by the present invention. For example, as described on page 3 the present invention can enable information (e.g. payment information) unique to the receiver node to be included in the exchange and prevents unauthorized use of software sent over the communications link. For Wasilewski to have the same advantages as those inherent in the presently claimed inventions, the system of Wasilewski would be required to have as many unique transmission sites as there were receiving units each transmission site with a unique transmission key.

The Wasilewski '401 reference does not disclose encryption of software or use of a unique software key at the receiver as claimed. Wasilewski '401 discloses a multi-level multiplex scheme in which individual receiver nodes can be programmed to receive certain ones of the multiplexed data packages.

For at least these reasons, neither of the Wasilewski references disclose or suggest the claimed inventions and claims 9-11, 13, 15, 19, 21 and 22 are allowable.

Claims 3-8, 12, 14, 16-18, 20, 22 and 23 are rejected under 35 USC §103 over Wasilewski 5,894,516 in view of Teare 5,243,652.

Applicant respectfully notes that US Patent No. 5,894,516 is to Brandenberg over which the presently claimed inventions are patentable at least because of the reasons provided in Applicant's Rule 131 declaration submitted December 5, 2000.

To the extent that the Examiner intends to reject claims 3-8, 12, 14, 16-18, 20, 22 and 23 over either Wasilewski '425 or '401, Teare 5,243,652 fails to provide the deficiencies of either of the Wasilewski references.

The Wasilewski references are as described above.

In the invention of Teare, a communications system includes a remote mobile node. A central node compares the position time history of the remote node and if the time-position history is credible, forwards an encryption key *from the central node* to the remote node for decryption of the accompanying data.

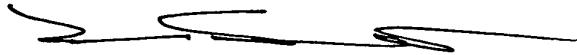
Because neither of the Wasilewski reference or the Teare reference either alone or in combination disclose use of a encryption key unique to the receiving node, Wasilewski and Teare fail to disclose or suggest the present invention.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone Mr. Eric Halsne, Reg. No. 46,753 at 425-376-2107.

Respectfully submitted,



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23. (Amended) The method as recited in Claim 3, wherein said software is a database containing aeronautical navigation data.

24. (Amended) The system of Claim 14, wherein said software is database containing aeronautical navigation data.